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May 31, 2022

By ECF

The Honorable Barbara A. Moses
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Lynch v. City of New York, et al., 16 Civ. 7355 (LAP) (BCM)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, the Corporation Counsel for the City of New York, assigned to the defense of the above-captioned matter.

I write to respectfully request an extension of time, *nunc pro tunc*, for defendants to make their pre-settlement conference submission for the settlement conference scheduled in this matter for June 6, 2022, from May 30, 2022 to June 2, 2022. I understand that plaintiff submitted his letter to the Court today, May 31, 2022. Plaintiff consents to the request for an extension of this deadline. There have been no prior requests for extension of this deadline. The defendants apologize to the Court and plaintiff for the lateness of this request and the inconvenience it may engender.

The reason for the request is due to a scheduling oversight, arising from the undersigned counsel's international travel during the last week of April and illness from Covid during the first half of May. Specifically, I was out of the office in Poland during the week of April 25, 2022, for activities relating to assistance to Ukraine and Ukrainian refugees. Shortly after I returned I fell ill with Covid-19, which was diagnosed on May 2, 2022. On May 3, 2022, the Court ordered the settlement conference date, which I neglected to calendar at that time because I was quite ill with the effects of Covid. Due to a relapse occurring the following week, I did not return to a normal work schedule until mid-May. At that time, unfortunately, I neglected to note the Court's prior order and calendar the conference. Covid is known to have certain prolonged effects on short-term memory which appear to have manifested during this period, and may help explain the oversight. Whatever the cause, the undersigned regrets the error.

Defendants have submitted by email their Acknowledgement Form – Settlement Conference. As indicated therein, defendants respectfully request that the representative of the

Comptroller's Office be permitted to be available by telephone during the conference, rather than attend remotely. The reason for this request is that the Comptroller's office is currently experiencing a shortage of available personnel and it is extremely difficult for that office to have a representative attending each of the multiple settlement conferences that may be ongoing at the same time. Plaintiff takes no position on this request.

Defendants also respectfully request that the sole individual defendant, Mariann Mandy, be excused from attending the settlement conference. The City would be paying any settlement on behalf of itself and Ms. Mandy, and Ms. Mandy has no control over the City's settlement decision. In addition, Ms. Mandy is no longer employed by the City, and would have to take time away from her current employment in order to attend the conference. Plaintiff takes no position on this request.

We thank the Court for its consideration of this matter.

Respectfully submitted,

Alan H. Scheiner/s/

Alan H. Scheiner
Senior Counsel

cc (via ECF): All counsel

Application GRANTED IN PART. Defendants' deadline to submit their pre-settlement conference letter is EXTENDED to **June 2, 2022**. Defendant Mandy is not required to attend the June 6, 2022 settlement conference. A representative of the Comptroller's Office must attend the remote settlement conference by Zoom at 2:15 p.m. when the conference is commenced. Whether the representative must remain on the call will be determined at that time. SO ORDERED.



Barbara Moses
United States Magistrate Judge
June 1, 2022